



Practitioner's Docket No. 13429-40254

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James M. Carter

Application No.: 09/898,648

Art Unit: 2642

Filed: July 3, 2001

Examiner: Chiang, Jack

For: CARRIER WITH BUILT-IN AMPLIFICATION FOR PERSONAL AUDIO
DEVICE

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

RESPONSE TO OFFICE ACTION OF AUGUST 30, 2005

In response to the Office Action of August 30, 2005, Applicant submits the following:

REMARKS

Examiner rejects claim 9 as anticipated by Magnusson et al., U.S. Patent No. 6,712,249 ("the '249 patent"), under 35 U.S.C. §§ 102(e). Applicant respectfully asserts that such a rejection is improper. Applicant's present application was filed on July 3, 2001. The '249 patent was filed on May 15, 2002, and claims priority from and, allegedly, is a continuation-in-part of application No. 09/777,232 ("the parent application"), which was filed on February 5, 2001. However, the elements Examiner believes are anticipated by the '249 patent are not disclosed in the parent application, as described in further detail below. Further, despite the claim of priority to the parent